

Remarks

Applicants are grateful for the Examiner's indication that their previous arguments with respect to claims 1-28 are persuasive. However, Applicants are disappointed that the Examiner has chosen to identify very selective passages of that response in an attempt to argue that Applicants are relying on features which are not recited in the claims. These passages were provided in the previous response in good faith and in an effort to help explain the reasons why the present application is believed to be allowable.

Applicants have amended claims 1, 15, 16, 18, 19 and 21 as suggested by the Examiner to recite "removing fewer than the selected adjacencies" or "assuming failure of fewer than the assumed failed network elements". Clearly, no new issues are raised by this amendment since it was suggested by the Examiner himself.

For the avoidance of doubt, Applicants do not rely on the reasons A) and B) identified in the Examiner's latest office action alone in arguing for allowability. Taking the entirety of Applicants' previous response, it will be apparent to the Examiner that Applicants firmly believe:

1. one skilled in the art would not be motivated to combine Anderson and Jardetzky because they represent different approaches which are incompatible alternatives.
2. In any event, Anderson does not show the feature of "removing fewer selected adjacencies from the overlay topology and repeating said path computation" or like features. It is of course implicit that by removing fewer selected adjacencies from the overlay topology and repeating said path computation, it is inevitable that a weaker protection will be obtained. To make this absolutely clear, it is implicit that if fewer adjacencies are removed,

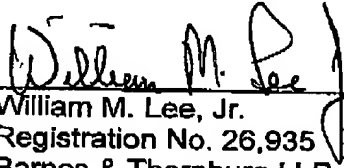
then recovery paths which may be computed will provide weaker protection since fewer adjacencies in the communications network may actually fail and the method of fault recovery still be successful.

If the Examiner is persuaded (as he appears to be) that neither Jardetzky nor Anderson show the claim feature of "modifying the overlay topology by removal of selected adjacencies, attempting computation of a path, and if no path is available removing fewer selected adjacencies from the overlay topology and repeating said path computation", and like features, then there is no reason to maintain his rejection

The Examiner is therefore urged to reconsider and allow the application.

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Respectfully submitted,


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